

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

2022 DEC 13 PM 3:39

OFFICE OF THE CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JERALD SCHREIBER,

Defendant.

8:22-CR-264

INDICTMENT

18 U.S.C. § 1341
18 U.S.C. § 1001(a)(3)

The Grand Jury Charges:

COUNT ONE
(Mail Fraud)

At all times material herein:

1. Defendant, JERALD SCHREIBER, resided in Columbus, Nebraska.
2. Farmers Hog Company, Incorporated ("Farmers Hog") was incorporated in the State of Nebraska on or about July 26, 1976, with a purpose of buying, selling, marketing, producing, slaughtering, and dealing in and with pigs, hogs, and swine. For tax reporting years 2018-2019, defendant JERALD SCHREIBER was the secretary, treasurer, and registered agent of Farmers Hog. For tax reporting years 2018-2019, Farmers Hog was in business of hog production and its registered office was 611 53rd Street, Columbus, Nebraska, 68601. During tax reporting years 2018-2019, the three directors of Farmers Hog were W.L., S.S., and defendant JERALD SCHREIBER.
3. Schreiber Brothers Hog Company, LLC ("Schreiber Brothers") was organized in the State of Nebraska on or about May 4, 2011, with its principal office in Columbus, Nebraska. At the time of its organization, defendant JERALD SCHREIBER was the agent for service of

process. Schreiber Brothers was in the business of hog production. On or about January 1, 2019, defendant JERALD SCHREIBER was a listed member of Schreiber Brothers.

4. In 2018, the United States Farm Service Agency (“FSA”), a part of the United States Department of Agriculture (“USDA”), made farm subsidies available to farmers and producers, including hog producers, via the Market Facilitation Program (“MFP”). The MFP provided direct payments to hog producers who had been impacted by tariffs. To obtain a payment from the MFP, a hog producer had to file an application online or at a local FSA office. If an application to receive a payment via the MFP was accepted, the FSA would issue a payment for the first 50% of the producer’s total production and later issue a second payment for the producer’s second 50% of total production. The MFP rate for hogs was \$8.00 per head of hog. Payment for hog operations was based on the total number of head of live hogs on August 1, 2018. Hog producers were permitted to choose any date between July 15, 2018, and August 15, 2018, as the representative date instead of August 1, 2018.

5. In 2019, the FSA again made direct payments to hog producers available via the MFP. In 2019, hog producers were permitted to choose any date between April 1, 2019, and May 15, 2019, to determine the number of hogs. If an application to receive a payment via the MFP was accepted, the FSA would issue a payment for the first 50% of the producer’s total production and later issue a second payment for the producer’s second 50% of total production. The MFP rate for hogs was \$11 per head of hog.

THE SCHEME AND ARTIFICE TO DEFRAUD

6. Beginning on or about September 18, 2018, to on or about December 28, 2018, in the District of Nebraska and elsewhere, defendant JERALD SCHREIBER, did devise and intend to devise a scheme and artifice to defraud and for obtaining money by means of materially false and fraudulent pretenses, representations, and promises. Between about September 18, 2018,

and November 1, 2018, defendant JERALD SCHREIBER knowingly and intentionally submitted applications to the FSA to obtain payment via the MFS. On applications to obtain payment via the MFP, defendant JERALD SCHREIBER knowingly and intentionally falsified the number of head of hog for the purpose of obtaining a higher payment.

FRAUDULENT APPLICATIONS AND USE OF MAIL

A. Farmers Hog

7. For the purpose of executing the above-described scheme and artifice to defraud and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, on or about September 18, 2018, defendant JERALD SCHREIBER, submitted an application to the FSA for a payment pursuant to the MFS. Defendant JERALD SCHREIBER submitted the application on behalf of Farmers Hog. Defendant JERALD SCHREIBER falsely stated on the MFS application that on at least one date between July 15, 2018, and August 15, 2018, Farmer's Hog had 9,079 head of hog. In truth and in fact, Farmers Hog had fewer than 9,079 head of hog at all times between July 15, 2018, and August 15, 2018.

8. On or about September 25, 2018, in the District of Nebraska and elsewhere, defendant JERALD SCHREIBER, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud and attempting to do so did knowingly cause to be sent and delivered by the United States Postal Service, the following matter: check number 89415442 in the amount of \$36,317, from the FSA to Farmers Hog.

9. On or about December 27, 2018, in the District of Nebraska and elsewhere, defendant JERALD SCHREIBER, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud and attempting to do so did knowingly cause to be sent and delivered by the United States Postal Service, the following matter: check number 93148589 in the amount of \$36,315, from the FSA to Farmers Hog.

B. Schreiber Brothers

10. For the purpose of executing the above-described scheme and artifice to defraud and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, on or about November 1, 2018, defendant JERALD SCHREIBER, submitted an application to the FSA for a payment pursuant to the MFS. Defendant JERALD SCHREIBER submitted the application on behalf of Schreiber Brothers. Defendant JERALD SCHREIBER falsely stated on the MFS application that on at least one date between July 15, 2018, and August 15, 2018, Schreiber Brothers had 8,194 head of hog. In truth and in fact, Farmers Hog had fewer than 8,194 head of hog at all times between July 15, 2018, and August 15, 2018.

11. On or about December 18, 2018, in the District of Nebraska and elsewhere, defendant JERALD SCHREIBER, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud and attempting to do so did knowingly cause to be sent and delivered by the United States Postal Service, the following matter: check number 92826824 in the amount of \$32,842, from the FSA to Schreiber Brothers.

12. On or about December 28, 2018, in the District of Nebraska and elsewhere, defendant JERALD SCHREIBER, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud and attempting to do so did knowingly cause to be sent and delivered by the United States Postal Service, the following matter: check number 93214535 in the amount of \$32,840, from the FSA to Schreiber Brothers.

All in violation of Title 18 United States Code Section 1341.

COUNT TWO
(False Statement)

13. The Grand Jury re-alleges and incorporates as if fully set forth herein, Paragraphs 1-12 of this Indictment and further alleges that such paragraphs describe a scheme and artifice to defraud and for obtaining money by means of false and fraudulent pretenses, representations and promises.

14. On or about September 18, 2018, in the District of Nebraska and elsewhere, defendant JERALD SCHREIBER, did willfully and knowingly make and use a false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement and entry in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit, the USDA, by stating on a MFS application that on at least one date between July 15, 2018, and August 15, 2018, Farmer's Hog had 9,079 head of hog, well knowing and believing that Farmers Hog had fewer than 9,079 head of hog at all times between July 15, 2018, and August 15, 2018.

In violation of Title 18, United States Code, Section 1001(a)(3).

COUNT THREE
(False Statement)

15. The Grand Jury re-alleges and incorporates as if fully set forth herein, Paragraphs 1-12 of this Indictment and further alleges that such paragraphs describe a scheme and artifice to defraud and for obtaining money by means of false and fraudulent pretenses, representations and promises.

16. On or about November 1, 2018, in the District of Nebraska and elsewhere, defendant JERALD SCHREIBER, did willfully and knowingly make and use a false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement

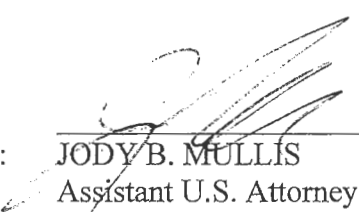
and entry in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit, the USDA, by stating on a MFS application that on at least one date between July 15, 2018, and August 15, 2018, Schreiber Brothers had a head of hog of 8,194, well knowing and believing that Schreiber Brothers had fewer than 8,194 head of hog at all times between July 15, 2018, and August 15, 2018.

In violation of Title 18, United States Code, Section 1001(a)(3).

A TRUE BILL / / /

FOREPERSON _____

The United States of America requests that trial of this case be held in Omaha, Nebraska, pursuant to the rules of this Court.

By:  _____
JODY B. MULLIS
Assistant U.S. Attorney